

# EXHIBIT 16

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

- - - - -  
MICHIGAN STATE A. PHILIP )  
RANDOLPH INSTITUTE, COMMON )  
CAUSE, MARY LANSDOWN, ERIN )  
COMARTIN and DION WILLIAMS, )  
Plaintiffs, )  
-vs- ) File No.  
RUTH JOHNSON, in her official ) 2:16-cv-11844  
capacity as Michigan Secretary ) HON. DRAIN  
of State, ) MAG. MAJZOUN  
Defendant. )  
- - - - -

D E P O S I T I O N

of DANIEL BAXTER, a witness called by Defendant,  
taken before Melinda S. Nardone, Certified Shorthand  
Reporter and Notary Public, at 2978 West Grand  
Boulevard, Detroit, Michigan, on Friday, August 18,  
2017, noticed for the hour of 10:00 a.m.

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<p>1 these questions and it changes the way we approach the</p> <p>2 deposition. Are you currently under the influence of</p> <p>3 alcohol?</p> <p>4 A. No.</p> <p>5 Q. Are you currently under the influence of any</p> <p>6 illegal drugs?</p> <p>7 A. No.</p> <p>8 Q. Are you currently taking any prescription</p> <p>9 medication that might affect your ability to testify</p> <p>10 honestly?</p> <p>11 A. No.</p> <p>12 Q. Is there any reason whatsoever that your</p> <p>13 testimony here today will be anything other than honest</p> <p>14 and complete?</p> <p>15 A. No.</p> <p>16 Q. Okay. Tell me a little bit about yourself; where</p> <p>17 did you go to school?</p> <p>18 A. From the beginning or --</p> <p>19 Q. Let's start with high school. Start with</p> <p>20 graduating high school and go from there.</p> <p>21 A. All right.</p> <p>22 Q. We don't need to worry about elementary school.</p> <p>23 MR. KORDENBROCK: I want to the know about</p> <p>24 grade school.</p> <p>25 THE WITNESS: I started Servite High School</p>	<p>1 So in 2006 I was appointed director of elections by the</p> <p>2 current city clerk, Janice Winfrey. And from 2006 to</p> <p>3 2013 I maintained that position until retirement.</p> <p>4 Q. So currently you're the director of elections?</p> <p>5 A. I am currently.</p> <p>6 Q. And prior to that you had retired for a period</p> <p>7 and gone down to Alabama?</p> <p>8 A. Yes.</p> <p>9 Q. What brought you back?</p> <p>10 A. The city brought me back. The person who had my</p> <p>11 former position did not work out, who had my position,</p> <p>12 took my position after I retired didn't work out, so I</p> <p>13 got a call back from the city and they asked me to come</p> <p>14 back and, you know, the stars lined up right. Family</p> <p>15 didn't like Montgomery, Alabama, at all, my wife and my</p> <p>16 three daughters couldn't stand it down there, it was</p> <p>17 kind of like Green Acres, fresh air, Times Square. So,</p> <p>18 you know, everything worked out and then my mom, you</p> <p>19 know, here in Detroit, you know, she was older, she'll</p> <p>20 be 90 on her birthday, September 26th, so she probably</p> <p>21 was more disappointed in my departure and you could see</p> <p>22 it every time I came back home so, you know, those were</p> <p>23 the things that brought me back home.</p> <p>24 Q. Glad to have you back.</p> <p>25 A. It's good to be back. No place like home, click</p>
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<p>1 in 1979, it is a Catholic school on the south side of</p> <p>2 the City of Detroit. I graduated there in 1983.</p> <p>3 Afterwards I did probably a year at Macomb County</p> <p>4 Community College. Thereafter I went to Detroit</p> <p>5 Business Institute, and after I finished there I started</p> <p>6 working for the City of Detroit in 1985.</p> <p>7 It wasn't until right around 1991 I decided</p> <p>8 to go back to school, which was Wayne County Community</p> <p>9 College, I received my associate's degree from there.</p> <p>10 And shortly thereafter I attended the University of</p> <p>11 Detroit Mercy is where I obtained my bachelor's degree</p> <p>12 in political science in 2001.</p> <p>13 Q. And in terms of employment experience, I know you</p> <p>14 mentioned starting in the City of Detroit, what position</p> <p>15 did you start at the City of Detroit?</p> <p>16 A. I was a temporary junior typist in 1985. That's</p> <p>17 the position I started at.</p> <p>18 Q. Did you stay with the city while you were going</p> <p>19 back to school?</p> <p>20 A. Yes, I did. I maintained my employment from 1985</p> <p>21 all the way up until maybe right up until 2013 whereby I</p> <p>22 retired from the city, relocated to Montgomery, Alabama,</p> <p>23 spent two years down there, and then came back to the</p> <p>24 City of Detroit, Department of Elections, in 2015 where</p> <p>25 I resumed my current position as director of elections.</p>	<p>1 your heels three times.</p> <p>2 Q. And prior to your retirement you were already the</p> <p>3 director of elections?</p> <p>4 A. That's correct.</p> <p>5 Q. Prior to being the director of elections what</p> <p>6 position did you hold?</p> <p>7 A. I was the deputy city clerk under the former city</p> <p>8 clerk, Jackie Currie, and that was from right around</p> <p>9 March 2005 through December 31st, 2005.</p> <p>10 Q. And prior to deputy city clerk what position did</p> <p>11 you hold?</p> <p>12 A. I was manager over the registration division.</p> <p>13 Q. And from what period of time?</p> <p>14 A. 2002, from 2002 through 2005.</p> <p>15 Q. And prior to the manager position?</p> <p>16 A. Election specialist.</p> <p>17 Q. And what period of time?</p> <p>18 A. 1998 through 2002.</p> <p>19 Q. Prior to the election specialist position?</p> <p>20 A. Head clerk.</p> <p>21 Q. Head clerk?</p> <p>22 A. Uh-huh.</p> <p>23 Q. What period of time?</p> <p>24 A. Right around 19- -- approximately 1993.</p> <p>25 Q. Till about 1998?</p>

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<p>1 A. Till about 1998, yes.</p> <p>2 Q. Have you ever held any partisan elected position?</p> <p>3 A. No.</p> <p>4 Q. What did you do to prepare --</p> <p>5 A. Well, I did.</p> <p>6 Q. I'm sorry.</p> <p>7 A. I did, I was precinct delegate, yeah, that is a</p> <p>8 partisan elected position.</p> <p>9 Q. When were you a precinct delegate?</p> <p>10 A. That was probably -- let's see I started in '85,</p> <p>11 so right around '88, 1988.</p> <p>12 Q. Only the one election or for how many elections?</p> <p>13 A. Just for two years.</p> <p>14 Q. Just for two years?</p> <p>15 A. Yeah.</p> <p>16 Q. What party did you represent?</p> <p>17 A. Republican party.</p> <p>18 Q. What did you do to prepare for the deposition</p> <p>19 today?</p> <p>20 A. Just went over information associated with</p> <p>21 elections, specifically in the city of Detroit, as well</p> <p>22 as had a conversation with Ms. Gurewitz as well as</p> <p>23 corporation counsel for the City of Detroit.</p> <p>24 Q. I'm not going to ask you any questions about your</p> <p>25 discussions with corporation counsel.</p>	<p>1 interaction was through my secretary in terms of</p> <p>2 scheduling. My secretary apprised me of the</p> <p>3 conversation with Ms. Gurewitz in terms of that there</p> <p>4 was a lawsuit coming down the pipe associated with the</p> <p>5 straight party voting and she wanted me to be a part of</p> <p>6 the deposition.</p> <p>7 And I communicated with -- and I was -- the</p> <p>8 first deposition was scheduled prior to the primary</p> <p>9 election and I expressed through my secretary that I</p> <p>10 couldn't do that so we rescheduled for today. So the</p> <p>11 first conversation that I've had with her about that was</p> <p>12 yesterday, uh-huh.</p> <p>13 Q. And what discussions did you -- what did you talk</p> <p>14 about about the lawsuit yesterday?</p> <p>15 A. Just we covered the deposition -- I mean the</p> <p>16 declaration, and that the lawsuit was basically a</p> <p>17 challenge against the straight party voting process,</p> <p>18 uh-huh.</p> <p>19 Q. Did you discuss the issues in this case with</p> <p>20 Ms. Gurewitz?</p> <p>21 A. No.</p> <p>22 Q. Do you know what the issues in this case are?</p> <p>23 A. No, what are the issues?</p> <p>24 Q. Unfortunately I don't get to answer any</p> <p>25 questions.</p>
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<p>1 A. Sure.</p> <p>2 Q. What did you talk about with Ms. Gurewitz?</p> <p>3 A. Just basic information. We went over my</p> <p>4 particular declaration to make sure that all of that</p> <p>5 information was still true and accurate, and that was</p> <p>6 basically it, uh-huh.</p> <p>7 Q. At the risk of asking what sounds like an obvious</p> <p>8 question, does all the information in your declaration</p> <p>9 continue to be true and accurate?</p> <p>10 A. Yes.</p> <p>11 Q. Is there anything in the declaration that you</p> <p>12 want to change?</p> <p>13 A. No.</p> <p>14 Q. Prior to -- putting aside the deposition for a</p> <p>15 minute, what discussions have you had with Ms. Gurewitz</p> <p>16 about this lawsuit?</p> <p>17 A. Basically that -- well, really Ms. Gurewitz</p> <p>18 called me probably around, let's see, August, the</p> <p>19 election was August the 8th, so she probably called me</p> <p>20 maybe 45 days prior to that and I was in the thick of an</p> <p>21 election, in fact, I didn't have a conversation with</p> <p>22 her, all the communications were through my secretary.</p> <p>23 The first time I really discussed this</p> <p>24 particular lawsuit with her was yesterday, the first</p> <p>25 time I had a conversation with her. Most of the</p>	<p>1 A. Oh, I'm sorry. I mean basically the issue is is</p> <p>2 whether or not Michigan will be a straight party voting</p> <p>3 state or whether or not individuals will have to vote</p> <p>4 for the individual offices for every partisan general</p> <p>5 election.</p> <p>6 Q. Do you know if any other states have straight</p> <p>7 party voting?</p> <p>8 A. No.</p> <p>9 Q. Prior to the draft -- how did it get to be that</p> <p>10 this declaration was drafted? You mentioned a moment</p> <p>11 ago that you hadn't had any direct conversation with</p> <p>12 Ms. Gurewitz.</p> <p>13 A. Uh-huh.</p> <p>14 Q. So tell me about how this got written?</p> <p>15 A. Well, this declaration -- well, we did have</p> <p>16 conversations about the declaration, we did meet. I</p> <p>17 thought that the lawsuit came as a result of the</p> <p>18 declaration first and foremost. So we did meet prior to</p> <p>19 that time and we talked about all of this and</p> <p>20 Ms. Gurewitz crafted it and she submitted the final</p> <p>21 document for my review. And upon my review I made</p> <p>22 corrections and edited until we got to this final</p> <p>23 document.</p> <p>24 Q. Okay. So there were earlier drafts of this</p> <p>25 declaration?</p>

1 the validity of their registration, the voter is  
2 assigned a voter number as well as ballot number in the  
3 electronic poll book and afterwards they are issued  
4 their particular ballot.

5 Q. Okay, let me stop you there. Is the process that  
6 you just outlined there, is that what would generally be  
7 described as the check-in process?

8 A. That's the check-in process, correct.

9 Q. What if a voter doesn't have ID?

10 A. If a voter does not have valid identification  
11 then they fill out the affidavit of voter not in  
12 possession of photo identification, and the same  
13 standard applies to the processing of the voter that as  
14 long as they are a registered voter they are processed  
15 accordingly and provided a ballot so that they might be  
16 able to cast their vote.

17 Q. Does that process take longer than the other  
18 pro- -- than the normal process?

19 A. Yes, it does.

20 Q. How much longer do you think?

21 A. Maybe two, three minutes longer.

22 Q. What happens if the check-in laptop malfunctions?

23 A. If the check-in laptop malfunctions we have a  
24 backup, which is the AVL, the active voter list, which  
25 is basically a hard copy of the electronic poll book

1 whereby the voter will still verify and -- verify and  
2 authenticate the voter's registration and then process  
3 them accordingly.

4 Q. Does that process take longer than the normal  
5 e-poll book process?

6 A. Absolutely.

7 Q. How much longer do you think?

8 A. Probably about three or four minutes longer.

9 Q. All right. Now, once the voter actually gets  
10 their ballot how does that process work?

11 A. Well, once the voter receives their ballot then  
12 they are directed to the next available voting booth  
13 where they go into the voting booth and cast their  
14 ballot. They make their selections, and upon making  
15 their selections they place their ballot in the secrecy  
16 sleeve envelope and then they report to the ballot box  
17 that they might be able to cast their vote.

18 Q. So in the process of actually writing the ballot,  
19 what happens if a voter can't read, if they are  
20 illiterate?

21 A. If a voter can't read they have several options.  
22 The first option is is that they can use the ADA voter  
23 assistive device whereby they might be able to use the  
24 headphones and the headphones can articulate and express  
25 the names of the candidates, the offices, the parties,

1 et cetera, et cetera, et cetera, and they might be able  
2 to cast their vote from that point by following the  
3 instructions as prescribed by the AVA voting machine.

4 Q. Is that machine also called an AutoMARK machine?

5 A. It was an AutoMARK, but now we have a new voting  
6 system, it's called the ICX Image Cast voting system,  
7 uh-huh.

8 Q. Is there anything else a person could do?

9 A. Yes. The second option that the voter has is if  
10 they are not comfortable with using the ADA voting  
11 device then they might ask -- well, they have two  
12 additional options. If they have a family member or  
13 friend that they are comfortable with that person can  
14 assist them, or they might be able to ask the poll  
15 worker to provide assistance whereby two individuals  
16 must report to the voting booth with the voter, verify,  
17 one will read off the names and the offices of the  
18 candidates whereby, the other individual -- and mark the  
19 votes that the -- vote for the person that the voter  
20 states that they'd like to vote for, while the second  
21 person observes to make sure that the first poll worker  
22 is doing exactly as the voter prescribes.

23 Q. What happens if a voter has difficulty marking  
24 the ballot, they can read the ballot but they have some  
25 type of impairment that makes it difficult for them to

1 fill in the oval?

2 A. Well, they still have the same options.

3 Q. Same options?

4 A. Uh-huh. They might be able to use the ADA voter  
5 assistive device. And if they have an impairment there  
6 is a sip and puff option on those systems whereby they  
7 might be able to insert an orifice in their mouth and  
8 cast their ballot from that standard. Or, again, if  
9 they have family members they might ask the family  
10 member to assist or the poll worker.

11 Q. So now they've got a marked ballot in their hand  
12 and they proceed to the tabulation?

13 A. They proceed to the tabulator, correct.

14 Q. How does that work?

15 A. That works whereby the voter inserts their ballot  
16 into the tabulator and then the machine reads the ballot  
17 and then it accepts it or rejects it based upon whether  
18 or not they overvoted or they inserted their ballot into  
19 the wrong machine.

20 Q. If the machine like jams up what happens then?

21 A. If the machine jams up then the inspector is  
22 responsible for resolving that particular issue by  
23 removing the ballot, whereby they go into the actual  
24 ballot box and reach in and pull it out. The new system  
25 that we have is intelligent enough to express to the

<p style="text-align: right;">Page 38</p> <p>1 A. I think so, sure.</p> <p>2 Q. How many voting booths, you know, you understand</p> <p>3 what I mean by booth?</p> <p>4 A. Uh-huh.</p> <p>5 Q. That's yes?</p> <p>6 A. Yeah, I'm sorry. That's a first time, that's a</p> <p>7 first time, first time.</p> <p>8 Q. It will happen. We do it all the time.</p> <p>9 A. Yes, yes.</p> <p>10 Q. So how many voting booths do you have available</p> <p>11 in your jurisdiction?</p> <p>12 A. We probably have more than 20,000 voting booths</p> <p>13 for our jurisdiction.</p> <p>14 Q. And each polling location doesn't have the same</p> <p>15 number of booths, right, some have more than others?</p> <p>16 A. That is correct.</p> <p>17 Q. And how many tabulators do you have available?</p> <p>18 A. One per precinct.</p> <p>19 Q. One per precinct.</p> <p>20 A. Uh-huh. 490 for all of our precincts and then we</p> <p>21 have extras, probably about 100 extra, so we probably</p> <p>22 have, rounding up, 600.</p> <p>23 Q. So if one tabulator has a complete meltdown you</p> <p>24 can deploy and replace it?</p> <p>25 A. Absolutely, uh-huh.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Anywhere from seven to maybe twelve minutes,</p> <p>2 depending on the ballot.</p> <p>3 Q. You may have been told this was coming. I'm</p> <p>4 going to hand you now, and I apologize for the cutting</p> <p>5 job, I was not able to figure out how to remove the</p> <p>6 guide bar on the paper cutter so there's a little bit of</p> <p>7 a --</p> <p>8 A. That's cool.</p> <p>9 Q. -- deformation of the paper.</p> <p>10 A. That's fine.</p> <p>11 Q. But I'm going to hand you an official ballot for</p> <p>12 Wayne County, City of Detroit, precinct three and I'm</p> <p>13 going to ask you to fill this out, first of all, in a</p> <p>14 straight party vote option.</p> <p>15 A. Sure.</p> <p>16 Q. And let me just tell you up front, I don't really</p> <p>17 care how you fill this out, I'm not looking for some</p> <p>18 insight into who you voted for.</p> <p>19 A. Okay.</p> <p>20 Q. I'm more interested in your actual physical</p> <p>21 process of what you do with the ballot and how you vote</p> <p>22 it. My colleague here is going to time you so as soon</p> <p>23 as you're ready to begin let us know.</p> <p>24 MS. GUREWITZ: And I will object that it's</p> <p>25 irrelevant.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Prior to working as the director of elections did</p> <p>2 you ever volunteer as a poll worker or election</p> <p>3 inspector, as another term?</p> <p>4 A. No.</p> <p>5 Q. As the director of elections for the City of</p> <p>6 Detroit what is your role on election day?</p> <p>7 A. My role on election day is to monitor all</p> <p>8 activities associated with the administration of the</p> <p>9 election. That means to make sure that polling places</p> <p>10 are open on time, making sure that all equipment is up</p> <p>11 and running and functioning, making sure that all of our</p> <p>12 precincts are properly manned, and then dealing with any</p> <p>13 issues that impact the processing of voters on election</p> <p>14 day by policing those through troubleshooters, area</p> <p>15 supervisors, and the like.</p> <p>16 And then, of course, providing information</p> <p>17 associated with the election to interested parties,</p> <p>18 whether or not it's the Democratic or the Republican</p> <p>19 party, the media, interested citizen groups,</p> <p>20 challengers. And then at the end of the night on</p> <p>21 election night my responsibility is to make sure that</p> <p>22 all results are reported in a timely and efficient</p> <p>23 manner.</p> <p>24 Q. What is the approximate time for voters in your</p> <p>25 jurisdiction to complete a ballot?</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. GRILL: That's fine.</p> <p>2 THE WITNESS: Okay, I'm ready.</p> <p>3 BY MR. GRILL:</p> <p>4 Q. Okay, begin. Are you finished?</p> <p>5 A. Done.</p> <p>6 Q. Let the record reflect that it took you six</p> <p>7 minutes and two seconds -- well, six minutes and 2.65</p> <p>8 seconds to complete the ballot. I have a couple</p> <p>9 questions for you.</p> <p>10 A. Sure.</p> <p>11 Q. First of all, I know my instruction to you is I</p> <p>12 didn't care which party you voted for but I am curious</p> <p>13 about something, you voted a straight ticket opting for</p> <p>14 the natural law party. Why then did you not vote for</p> <p>15 any office in the congressional district, representative</p> <p>16 congress 14 district?</p> <p>17 A. I just didn't.</p> <p>18 Q. The same thing for representative of the state</p> <p>19 legislature in the second district?</p> <p>20 A. Uh-huh, I just didn't.</p> <p>21 Q. And then trustee for the Michigan State</p> <p>22 University, you selected no candidates?</p> <p>23 A. That is correct.</p> <p>24 Q. And the same thing for the prosecuting attorney</p> <p>25 office?</p>



1 A. Correct.  
2 Q. And sheriff, clerk, treasurer, register of deeds,  
3 and county commissioner, also no choices?  
4 A. No choices.  
5 Q. By voting a straight ticket for natural law party  
6 and not choosing any of the other subsequent options,  
7 would you agree that that's an undervote?  
8 A. Uh-huh, sure, in certain offices, uh-huh.  
9 Q. Yes. Do you think it would take voters in  
10 Detroit about the same time to fill out the ballot as  
11 you took?  
12 A. No.  
13 Q. Why not?  
14 A. I'm probably a little bit more astute.  
15 Q. Not to put too fine of a point on it, but more  
16 astute than 50 percent, 70 percent? More astute than  
17 what percentage of the voters in Detroit?  
18 A. I believe 80 percent.  
19 Q. In your experience do voters arrive at the  
20 polling place all at the same time on election day?  
21 A. No.  
22 Q. So they tend to space out over the course of the  
23 day?  
24 A. Correct.  
25 Q. In your experience how often do voters require

1 assistance marking ballots in your jurisdiction?  
2 A. Probably less than one percent of the time.  
3 Q. Do more, less, or about the same number of voters  
4 require some assistance in marking their ballots in  
5 primary elections compared to general elections?  
6 A. It's about the same.  
7 Q. How do you determine for each precinct the number  
8 of laptops at the check-in?  
9 A. There's one laptop per precinct.  
10 Q. And that was like we talked earlier?  
11 A. Yes.  
12 Q. Because of some issues with the technology?  
13 A. Yes.  
14 Q. How did you determine for each precinct the  
15 number of voting booths?  
16 A. We base it upon the state standard. I forget  
17 what that number is, but we make sure that we  
18 have -- that is the standard, but we always provide  
19 additional voting booths for each precinct. I forget  
20 what that number is. It's one voting booth -- I believe  
21 it's one voting booth for every 300 voters, but we  
22 always make sure that we have additional, more than  
23 that, uh-huh.  
24 Q. How do you determine for each precinct the layout  
25 of the polling place?

1 A. We base it upon -- we rely heavily on the poll  
2 worker to make sure that each precinct is consistent  
3 with the flow and ergonomics of the polling place,  
4 meaning that typically we would like the processing  
5 table to be at the entrance of the building and then the  
6 actual tabulator to be closer to the exit as much as  
7 possible. However, because we have limited facilities  
8 available to us we have to kind of augment our polling  
9 place based upon the capacity of that particular  
10 facility.  
11 Q. Have you or the clerk's office generally  
12 partnered with any organizations to encourage voter  
13 participation or education?  
14 A. We have in the past. We've partnered with  
15 Detroit Public Schools, we've partnered with labor  
16 organizations, we've partnered with a number of  
17 churches, the ecumenical community and other  
18 organizations I'm sure I just can't think of right now.  
19 Q. What do these organizations do?  
20 A. For the most part the organizations provided us  
21 with access to their various events, be it a rally, be  
22 it a church service. They provided us with seating and  
23 that type of stuff. Nothing major.  
24 Q. Toward what end, what was the objective of  
25 partnering with these organizations; what were you

1 trying to do?  
2 A. Well, one was to register voters. The other was  
3 voter education in terms of different issues that impact  
4 voters, for instance, in 2006 when photo identification  
5 was first implemented in the City of Detroit we were all  
6 over the city kind of articulating the importance of  
7 photo identification, so that was the thrust at that  
8 particular time.  
9 In 2012 when we first encountered two  
10 ballots we were all over the city kind of educating  
11 voters in all types of venues and again registering  
12 voters. So those are the type of objectives that we've  
13 had in terms of voter registration and voter education.  
14 Q. With the kind of large goal and objective of  
15 getting more people registered and more people  
16 participating?  
17 A. Nope, having people informed was the most  
18 important piece. Prior to 1993, before the national  
19 Voter Registration Act, roughly 14 days outside of the  
20 election the department used to have a voter  
21 registration drive with that goal and objective in mind  
22 to provide services for Detroiters to make sure that  
23 every person who qualified was registered to vote. So  
24 we would have staff go out to the Farmer Jack's, the  
25 post offices, the MESC offices, and register folk.

1 so as you can see with the number 490 we've almost  
2 reduced our precinct population to half because of the  
3 reduction of citizens who live in the City of Detroit.

4 However, each precinct, when it is  
5 consolidated or redistricted after each census, we base  
6 it upon population information. The law provides that  
7 in order -- a precinct cannot have more than 2,999  
8 registered voters. We have two precincts that exceed  
9 2,000 registered voters, but for the most part we try to  
10 stay within a median of 1500 as to not to cause a high  
11 volume in terms of voters going to the precinct on  
12 election day. We like to try as much as possible to  
13 keep our precinct population or precinct engagement  
14 population on election day under 1,000, it's easier to  
15 manage that way.

16 Q. So keeping the precincts below 1,000 helps keep  
17 the lines down; is that fair to say?

18 A. It helps, yes.

19 Q. Now, when you've got some of the larger precincts  
20 that have more than 2,000 people could you split them  
21 into two 1,000 person precincts?

22 A. Sure, uh-huh.

23 Q. How does that process work; what do you have to  
24 do to do that?

25 A. Well, I think that there is a deadline that you

1 have to adhere to in terms of splitting out the  
2 precinct, it might be in March prior to any federal  
3 election, federal primary election. And basically what  
4 you have to do is identify the political composition  
5 within that precinct to make sure that you don't violate  
6 any type of legislative boundary lines, and once you do  
7 that, once you identify that and there are no problems,  
8 you just split the precinct out, pick a street, go down  
9 it, and try to balance it.

10 So if you have 2,000 registered voters you  
11 try to have 1,000 in one precinct and 1,000 in another.  
12 And then after that we submit that change to the  
13 election commission for their review and approval. And  
14 if they approve it, then we notify the State Bureau of  
15 Elections of the change and then we notify the voter by  
16 mailing them new identification cards.

17 Q. In terms of process, is that a difficult process?

18 A. I mean, you know, no.

19 Q. Does the City of Detroit also redistrict any  
20 precincts, I mean move them from -- the precinct stays  
21 the same size but they kind of move the geographic  
22 boundaries?

23 A. The city doesn't.

24 Q. Okay.

25 A. The legislative bodies do that after the census.

1 And after the census they kind of send us their lines,  
2 their boundary lines, and then we overlay it over the  
3 existing precincts to find out if there are any  
4 violations that need to be augmented for the  
5 upcoming -- for the forthcoming ten years. Once those  
6 lines are identified, then, you know, basically what we  
7 do is we try to as much as possible keep those precincts  
8 balanced out in terms of population. Basically the same  
9 way I explained to you how we would split a precinct to  
10 make sure that all political compositions are consistent  
11 within that particular precinct.

12 What do I mean by political compositions?  
13 Your state reps, state senate, community college, city  
14 council district, police commission district, every  
15 person that lives within that particular precinct has to  
16 have the same representation. And as long as that  
17 standard is met, then we're good to go in terms of  
18 setting those precincts.

19 We have had instances where -- in certain  
20 instances where we have precincts where we have two  
21 registered voters because when you draw the boundary  
22 lines for all the legislative districts it may -- the  
23 state representative district may go up one block and  
24 then two blocks down, the state senate district might  
25 travel through a street and then on this block you might

1 have a community college district that travels north,  
2 and then you have a school board district that follows  
3 south, I know we don't have school board districts now  
4 but just as an example.

5 And then what happens is is those  
6 legislative lines create this anomaly where there's only  
7 two registered voters in that particular precinct.

8 Q. And that precinct still has to have a voting  
9 booth and a tabulator?

10 A. It does, yes, it does, absolutely.

11 Q. Have you ever moved polling places to larger  
12 facilities in the City of Detroit?

13 A. It's been a long time.

14 Q. It's been a while?

15 A. Yeah, it's been a long time. I think that one of  
16 the biggest challenges that the City of Detroit  
17 experiences is that we're an old city, we have old  
18 buildings. You know, when the bottom fell out right  
19 around 2004, 2005, we had a lot of churches that closed,  
20 we had a lot of schools that closed -- well, beginning  
21 even before -- well, yeah, right around then they began  
22 to close, and as such our ability to identify  
23 newly -- new polling places has been restricted  
24 considerably. So we don't have that luxury oftentimes  
25 to find bigger facilities in the City of Detroit



1 A. Correct.  
 2 Q. And precinct 490 -- I'm not lucky.  
 3 A. It's not in that first column.  
 4 Q. Nope, it's going to take me an extra second to  
 5 find here. So precinct 490 is located at the J.R. King  
 6 School, which it shares with precincts 252, 253, 318,  
 7 and 380?  
 8 A. Uh-huh, yes.  
 9 Q. It's at the corner of -- south of Puritan, west  
 10 of Schaefer?  
 11 A. Yes.  
 12 Q. So is that -- by indicating that this is a  
 13 school, do you know anything about that voting location;  
 14 is that a gymnasium or would that be a cafeteria?  
 15 A. Typically we try to -- when we use schools we try  
 16 to use either the gymnasium or the cafeteria.  
 17 Q. All right. And since precinct 490 shares the  
 18 space with other precincts, just so that the record is  
 19 clear, precinct 252 has ten booths, precinct 253 has ten  
 20 booths, precinct 318 has ten booths, and precinct 380  
 21 has twelve booths. So there are 44 booths at that  
 22 precinct location?  
 23 A. Yes.  
 24 Q. Or that polling location?  
 25 A. Yes.

1 Q. And then on page, let's see, on page four again  
 2 about halfway down the page precinct 90 has 18 voters  
 3 active and inactive?  
 4 A. Page four?  
 5 Q. Yes.  
 6 A. 18 voters, correct.  
 7 Q. And the same page four, precinct 101, which would  
 8 be ward three, so 03101, 63 voters?  
 9 A. Yes.  
 10 Q. Precinct -- page five, ward/precinct 04011 has  
 11 139 voters?  
 12 A. Correct.  
 13 Q. The same page, ward/precinct 04035 has 581  
 14 voters?  
 15 A. Yes.  
 16 Q. On page six, ward/precinct 04109, four voters?  
 17 A. Correct.  
 18 Q. According to Deposition Exhibit 5 that precinct  
 19 with four voters has one booth?  
 20 A. Yes.  
 21 Q. According to Deposition Exhibit Number 4 that  
 22 precinct with four voters shares space at the Refuge  
 23 Cathedral with precinct 105, which looks to be just  
 24 above on the same page six, ward/precinct 04105, which  
 25 has 419 voters?

1 A. Right.  
 2 Q. And then looking then at Deposition Exhibit 5,  
 3 precinct 105 has six voters, so a total of seven booths  
 4 for a total of 423 voters?  
 5 A. Yes.  
 6 Q. How many of these -- do you happen to know how  
 7 many of the precincts here that we're describing have  
 8 fewer than 500 voters?  
 9 A. No, I don't.  
 10 Q. Would you have any reason to disagree with me if  
 11 I represented to you that of the precincts here there  
 12 were 31 precincts with fewer than 200 voters?  
 13 A. I can believe that, yes.  
 14 Q. That there were 23 precincts with fewer than 100  
 15 voters?  
 16 A. I agree.  
 17 Q. 19 precincts with fewer than 50 voters?  
 18 A. I can agree with that.  
 19 Q. Nine precincts with fewer than 20 voters?  
 20 A. I can agree with that.  
 21 Q. Four precincts with fewer than ten?  
 22 A. I can agree with that.  
 23 Q. That there were three precincts with greater than  
 24 2,000?  
 25 A. I can agree with that, yes.

1 Q. And 314 precincts with greater than 1,000 voters?  
 2 A. I can concur.  
 3 Q. You were talking earlier about some of the  
 4 efforts you've taken to reduce the size of precincts in  
 5 order to help control some lines?  
 6 A. Uh-huh.  
 7 Q. Yes?  
 8 A. Yes.  
 9 Q. Tell me more about those efforts, what is  
 10 involved with that? What do you have to do to do that?  
 11 A. To reduce a precinct?  
 12 Q. Right. To take it from -- I guess is it just  
 13 splitting off precincts and creating new ones or do you  
 14 take like a larger area and focus it down smaller?  
 15 A. Yeah, what you have to -- you have to -- again,  
 16 you have to create an overlay of all of the legislative  
 17 boundary lines that run through the City of Detroit.  
 18 Once you create that overlay then you can clearly see  
 19 what precincts you can split out. So typically like  
 20 right now all of the precincts that are established,  
 21 there are no legislative boundary lines that run through  
 22 a particular precinct in the City of Detroit because  
 23 we've already done that work.  
 24 So in order to split a precinct out, an  
 25 existing precinct out, all that is really required is,

1 as I stated before, is to identify -- identify the  
2 precinct, identify where that boundary line will be  
3 drawn in order to adequately balance out those two  
4 precincts to make sure that if there's 2,000 voters then  
5 1,000 goes on one side and 1,000 goes -- 1,000 goes into  
6 precinct number one and 1,000 goes into precinct number  
7 two.

8 Once that is then done then it's submitted  
9 to the election commission, submitted to the State  
10 Bureau of Elections, and then we notify the voter of the  
11 change.

12 Q. How many precincts have you split or shrunk in  
13 that fashion?

14 A. We haven't --

15 Q. I'll give you a period of time, let's say in the  
16 last four years?

17 A. We have not. Yeah, we have not split any  
18 precincts out with the exception of the one that I  
19 mentioned earlier. We had 489, now we have 490 because  
20 we discovered that there was a state senate boundary  
21 line that ran through that particular precinct. It  
22 didn't impact one election because state senate runs  
23 every four years so we were able to kind of deal with  
24 that for three years, but in the fourth year we had to  
25 split that line so that when that state senate election

1 came up voters would vote for their proper state  
2 senator. But probably I could even venture to say that  
3 in the past 35 years -- 30 years we have not split a  
4 large number of precincts because of, again, the  
5 shrinking population of the city.

6 Q. And maybe there's been some terminology maybe I'm  
7 tripping up on here. Other than splitting I mean is  
8 there any other specific effort that you or the City of  
9 Detroit clerk have undertaken to reduce the size of  
10 precincts?

11 A. The only thing that we've done, and I  
12 think -- the only thing that we've done is in  
13 2000- -- in 2002 when we had the opportunity -- this was  
14 before the current city clerk, but in 2002 what we did  
15 do is when we did the redistricting we balanced out  
16 precincts to make sure that we had a minority of  
17 precincts that exceeded 2,000.

18 Now, we did again -- this is 2008. In 2007,  
19 in preparation for the 2008 presidential election, we  
20 reduced the precinct population and in that reduction  
21 that's when we focused on making sure that the vast  
22 majority of our precincts reached the median of 1500 and  
23 as much as possible trying to stay under that number  
24 when the legislative boundaries allowed us to. So we  
25 went from I think it was 669 precincts to I think 589 or

1 so.

2 But that's what we've done over the years to  
3 try to balance out precincts and reduce the population.  
4 But we have not at any point in time split out precincts  
5 to balance out or reduce populations.

6 Q. Did you attend a conference in the City of  
7 Chicago in May 2016 with the bipartisan policy center?

8 A. Yes, I believe I did.

9 Q. Do you recall Janice Winfrey making some  
10 statement at that conference to the effect that they  
11 were decreasing the precinct size to below 1,000 to  
12 mitigate lines?

13 A. Decreasing the precinct size. And that was when?

14 Q. In May of 2016.

15 A. I can't say that she did or didn't. I can't  
16 recall. However, that was -- at that time it was  
17 impossible to do that because the deadline in order to  
18 decrease or split precincts or redistrict precincts had  
19 already passed.

20 Q. Right. They had been frozen in January of 2016?

21 A. Uh-huh.

22 Q. Has anything occurred after the 2016 election by  
23 way in precinct sizes for the reducing precincts?

24 A. No, but there is a plan.

25 Q. Tell me about the plan.

1 A. Well, we just have three precincts that we're  
2 focusing on, those three that exceed 2,000. Those  
3 precincts I think it's -- what's the name of that place,  
4 Rosa Parks -- not Rosa Parks, Rosedale Park Community  
5 Center and Coleman A. Young Recreation Center, those are  
6 our precincts with the highest turnout that we are  
7 looking at to split in order to reduce that population  
8 and the charge associated to voters attending the polls  
9 on election day.

10 Q. The charge associated to voters?

11 A. The charge associated of the population of voters  
12 going to the polls on election day, attending polls on  
13 election day. Typically those two polling places, the  
14 population of voters almost always during presidential  
15 elections exceed 1,000.

16 Q. So if you reduce the precinct size you reduce the  
17 number of people showing up at the same place?

18 A. Correct.

19 Q. Did you participate in the bipartisan policy  
20 center request to document how many voters were in line  
21 at the top of each hour during the November 2016  
22 election?

23 A. No, we didn't participate.

24 Q. Turning back to the declaration.

25 A. Yes, sir.

1 Q. Let's take a look at paragraph -- I can skip over  
2 that. I'll ask it anyway again, bearing in mind my  
3 obligation sometimes to ask what are now obvious  
4 questions, paragraph seven you talk about 490 precincts  
5 in 187 polling locations. Why are there fewer polling  
6 locations than precincts?

7 A. Because of the availability of facilities to  
8 house our precincts in. It's very difficult -- as I  
9 stated before, it's very difficult to identify  
10 facilities to place polling precincts in. Since the  
11 mass exodus of population in the City of Detroit many  
12 buildings have closed, schools, churches, recreation  
13 centers, and other buildings that we typically use have  
14 closed and as such it is very difficult to find polling  
15 locations.

16 That's probably one of our biggest struggles  
17 leading up to elections. What occurs is that before  
18 every election, whether it's a primary or general  
19 election, we are notified by a polling place that they  
20 don't want us in their facility any longer. In fact, we  
21 were notified by I forget the name of the church two  
22 weeks before this election, before the municipal  
23 election, municipal primary election, we were notified  
24 two weeks prior to that that they are having a big  
25 conference and they didn't know that it conflicted with

1 our election, however, they cannot accommodate us.

2 So we had more than 2,000 voters that were  
3 inconvenienced as a result of them placing us -- putting  
4 them out of their particular polling place two weeks  
5 prior to the election. So we had to send all of those  
6 voters to another polling location because we couldn't  
7 find a facility, an open facility available, so we had  
8 to consolidate those additional two precincts that was  
9 housed in that polling location into a polling location  
10 that already had four precincts.

11 So that's the struggle that we deal with.  
12 Even within those two weeks while we did our due  
13 diligence to try to find something that was  
14 accommodating, we couldn't locate it. And there were  
15 buildings available in that area but they said, no, you  
16 can't use us.

17 So that's one of our biggest struggles here  
18 in the City of Detroit. Voters were notified of the  
19 change. We had somebody standing at that polling place  
20 to let any voters who didn't get the notice know that  
21 they had to go to the other polling place, but, again,  
22 that's our struggle.

23 Q. So the reason there are fewer polling locations  
24 than precincts is kind of what we have Deposition 4  
25 reflecting, which is that there are multiple precincts

1 at polling locations?

2 A. Multiple precincts at polling locations, yes.

3 Q. Part of the example you gave was when you were --  
4 this one particular precinct where, you know, the church  
5 kicked you out, you had to move them around.

6 A. Yes.

7 Q. What effort -- you talked about notifying voters;  
8 how did you notify voters of that change?

9 A. The first thing that we did was the moment that  
10 we -- the moment that we were notified we took about two  
11 or three days to try to find a new facility. Upon not  
12 being able to find it, locate a new facility, then we  
13 used one of our existing polling places. And once we  
14 finalized that we sent a letter to the voter notifying  
15 them that their polling location had been temporarily  
16 changed.

17 And then after that letter, we sent that on  
18 maybe ten days before the election, and then about six  
19 days prior to the election we mailed them a new voter  
20 identification card -- a new voter registration card  
21 along with a little blurb restating the fact that their  
22 polling location had been changed due to the facility  
23 notifying us at the last minute that the change  
24 occurred.

25 Q. And you mentioned you had a worker outside the

1 old location?

2 A. Yup.

3 Q. Pointing them to the new location?

4 A. That's correct, uh-huh.

5 Q. Could you do something similar for the  
6 elimination of straight party voting?

7 A. To what degree?

8 Q. Like sticking -- park someone outside the  
9 building, letting people know straight party voting  
10 doesn't exist anymore?

11 A. Oh, sure, we could do that.

12 Q. Could you send them a mailing notice like you did  
13 for the moving of the polling location?

14 A. Yes.

15 Q. Paragraph nine of your declaration, let's see, a  
16 couple of questions here. And I know you've already  
17 touched on some of them and I don't mean to be  
18 redundant, I just want to make sure I cover the areas I  
19 meant to cover today. You talked about the closing of  
20 schools and rec centers. Do you have a number of how  
21 many schools and rec centers are closed?

22 A. I would have to compile that, uh-huh.

23 Q. That's not something you guys have, right?

24 A. No.

25 Q. And, similarly, you wouldn't know how many

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1 change. We didn't just send just a regular voter  
2 registration card.

3 Q. Were those more effective, that those notices get  
4 noticed?

5 A. Oh, absolutely, absolutely.

6 Q. Have you also explored any different ways to send  
7 out the notice rather than just a postcard, other ways  
8 of delivering that information to the voters?

9 A. No.

10 Q. What about billboards?

11 A. Oh, yeah, now, we have done -- we have used  
12 billboards. For instance, when photo identification was  
13 implemented in 2006 we had billboards articulating be  
14 prepared for photo -- to present photo identification.  
15 And, again, with the voter ID cards for the changes I  
16 think we did some radio and other types of advertising.

17 Q. Could you also do a billboard or a radio ad  
18 advising voters of the elimination of straight party  
19 voting?

20 A. Yes.

21 Q. Paragraph 12 you describe the general election  
22 ballot is always very long.

23 A. Uh-huh, yes.

24 Q. What do you mean by long? What are you comparing  
25 it to.

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1 A. I'm comparing it to any other ballot that is used  
2 for other elections, whether it's a municipal  
3 election -- for instance, this year, I mean this  
4 election has -- municipal election ballot has for the  
5 most part four offices to be elected. It's a one page,  
6 one sided ballot, very small. In some instances there  
7 may be five offices because we have a special election,  
8 a state representative of district number five, so those  
9 folk who fall into that boundary will be impacted and  
10 will receive a ballot that has five offices on it, but  
11 for the most part they'll have four.

12 For gubernatorial elections, those ballots  
13 are typically two sided ballots, it's not much of a  
14 challenge in terms of administering that piece. But  
15 when you come to presidential elections, in 2012 we had  
16 a three page ballot and in 2016 we had a three page  
17 ballot. And that was because there were more offices  
18 and proposals that were on those particular ballots  
19 versus mayoral and gubernatorial elections.

20 Q. So when you say the ballot is long, you're  
21 comparing the general election ballot to municipal  
22 election ballots?

23 A. Yes, municipal and gubernatorial.

24 Q. So if you look at Deposition Exhibit 3, which was  
25 the official ballot from the 2016 election, can you tell

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1 me which of the offices on this ballot should the voters  
2 not elect?

3 A. Pardon me?

4 Q. So we've got the list here of partisan offices  
5 and non-partisan offices. Which of these offices should  
6 the voters not elect?

7 A. Not elect?

8 Q. Right. Are there any offices that they shouldn't  
9 be voting on? Like should -- when you say the general  
10 election ballot is long, are you saying that the voters  
11 should not elect the regents of the University of  
12 Michigan?

13 A. No, I'm not saying that, they should -- they  
14 should vote whichever part of that ballot that they  
15 choose to vote for.

16 Q. Okay. So it's not that -- when you say that the  
17 ballot is long, it's not that they are voting for  
18 offices that they shouldn't vote for or shouldn't have  
19 to vote for?

20 A. That is correct, uh-huh.

21 Q. So if there are no offices that shouldn't be on  
22 the ballot what would you do if you had the power to  
23 make it so to shorten the ballot?

24 A. That's a good question. This is what I would do.

25 Q. Okay.

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1 A. If I had the power what I would do is, and this  
2 would definitely reduce the size of the ballot for the  
3 general election, I would change the law and I would  
4 make it so that any candidate in the primary election  
5 who received a majority of the votes would not have to  
6 run in the general election and that they would just be  
7 elected in the primary election. So that in and of  
8 itself would reduce the size of the general election  
9 ballot.

10 Q. Okay.

11 A. I think that that in and of itself would  
12 definitely help not just in presidential elections, but  
13 in every election, whether it's gubernatorial,  
14 municipal, presidential, whatever, I think that that  
15 would help.

16 Q. In paragraph 14 of your declaration you talk  
17 about voting is made easier by straight party voting.

18 A. Yes.

19 Q. What is that statement based upon?

20 A. It's based upon -- I think it's based upon  
21 options. Meaning that some people -- we have some  
22 voters who are devout Democrats, some voters who are  
23 devout Republicans, some voters who are independent, and  
24 I think that for those folk who vote straight party  
25 lines, for those -- it's easier for them whereby when



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<p>1 Q. Although the voter can also cast a straight party 2 vote but override -- 3 A. I'm sorry. Yes, that's a split ticket. 4 Q. That's a split ticket? 5 A. Yes. And what's your question again? 6 Q. What did override mean? 7 A. To split the ticket. 8 Q. To split the ticket, okay. 9 A. Yeah. 10 Q. In your position you have the opportunity to see 11 a lot of marked ballots; is that fair to say? 12 A. Yes. 13 Q. In your experience is it common or uncommon for a 14 voter to override a straight party vote in that manner? 15 A. I cannot really say. 16 Q. One way or the other? 17 A. One way or the other. 18 Q. In your experience do voters generally know that 19 they can override a straight party vote? 20 A. I can't say. It doesn't come up that often. 21 Q. Where and how is it explained to voters that they 22 can override a straight party vote? 23 A. It is explained on the secrecy sleeve. 24 Q. Anywhere else? 25 A. On the sample ballot that we mail out to every</p>	<p>1 good, yeah. And I think that it kind of goes back to 2 what you were saying in terms of quicker and faster is 3 not always necessarily the most important emphasis in 4 terms of the election. 5 Q. Let's go on to paragraph 15, actually turn the 6 page. You write that voters in Michigan have always 7 been able to use the straight party voting option. What 8 is that statement based upon? 9 A. Historical and maybe not always but I know in my 10 lifetime and most people who sit -- who's in this room's 11 lifetime they've always had that option. And I think 12 historically probably since the late 1800s people had 13 the opportunity to engage in that. 14 Q. Earlier when we talked a little bit about the 15 historical history in this you weren't able to tell me. 16 Have you looked it up since then when straight party 17 voting was introduced in Michigan? 18 A. It probably was a fog, then. 19 Q. A what? 20 A. A fog. 21 Q. Oh, a memory fog? 22 A. Yeah, a memory fog. 23 Q. So some time in the late 1800s -- 24 A. Late 1800s, yeah. 25 Q. -- is when straight party voting would have been</p>
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<p>1 voter. 2 Q. Could you use the same method of explaining to 3 explain the absence of straight party voting? 4 A. Yes. 5 Q. Does it take longer for a voter to fill out a 6 ballot if they override a straight party vote? 7 A. Does it take longer for a voter to -- 8 Q. To fill out a ballot if they override a straight 9 party vote? 10 A. Yes. 11 Q. That could increase the time it takes them to 12 vote, correct? 13 A. Correct. 14 Q. That could increase lines? 15 A. Yes. 16 Q. Should the override option be eliminated in order 17 to avoid voters leaving the line or being turned away? 18 A. No. 19 Q. Why not? 20 A. Because I think it's a viable option. We're 21 talking about the override over vote, not override -- 22 Q. What I'm saying -- right, so if overriding a vote 23 takes longer and could increase lines why shouldn't that 24 option be eliminated? 25 A. Because it's an option. I think that options are</p>	<p>1 introduced in Michigan? 2 A. Yeah. 3 Q. Do you know what was the purpose at the time that 4 straight party voting was introduced? 5 A. Now, that I can't tell you. 6 MS. GUREWITZ: Objection, irrelevant. 7 THE WITNESS: That I can't tell you. 8 BY MR. GRILL: 9 Q. Do you know if it was intended as a time saving 10 measure? 11 A. Again, I don't know. 12 Q. Paragraph 16, in Detroit -- you write in 13 paragraph 16 of your declaration that in Detroit 18 or 14 19 partisan offices are on the ballot plus 37 15 non-partisan. Now, straight party voting does not 16 affect the non-partisan offices; is that correct? 17 A. That is correct. 18 Q. So regardless of whether they are straight party 19 voting or not, voters in Detroit are going to have to 20 fill in at least 37 ovals? 21 A. Yes. 22 Q. Why are there so many offices on the general 23 election ballot in November? Were they always on the 24 same ballot or were they ever split out? 25 A. I think that that is Michigan election law that</p>



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1 A. Which in and of itself would, using deductive  
2 logic, you would assume -- you could confidently assume  
3 that the majority of the folk who voted at the polls on  
4 election day are African American.

5 Q. Is that in terms of like the people that are  
6 coming out to vote in Detroit? I guess what the  
7 question was was do you know whether or not its  
8 popularity is based on a --

9 A. Can I take this call, it's my boss?

10 MR. GRILL: Okay, go ahead. We'll go off  
11 the record.

12 (A recess was taken.)

13 BY MR. GRILL:

14 Q. Let's pick up where we left off and see if we can  
15 make up some ground here. So right before the  
16 interruption we were talking about the popularity of  
17 straight party voting. And I guess I think you were  
18 talking about the idea that because the population of  
19 the City of Detroit is majority African American that,  
20 therefore, you can infer that it is more popular -- the  
21 straight party voting option is more popular with  
22 African Americans; is that a general summary of where we  
23 left off?

24 A. Yes, in the city, yes, in particular.

25 Q. And what my question really is getting after is

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1 not so much the numbers of people but do you have any  
2 basis to believe that active straight party voting is  
3 more pleasing or preferable to people on the basis of  
4 their race?

5 A. For the City of Detroit I would, yes.

6 Q. What is it about a person's race that makes them  
7 more or less likely to be a straight party voter?

8 A. Oh, no, no, no, not race, but just preference.

9 Q. Okay.

10 A. Or who it benefits at this particular time.

11 Q. Right.

12 A. Based upon population and voter turnout we can  
13 assume that the majority of the folk who vote in the  
14 City of Detroit are African American based upon census  
15 data. And as such we can also assume of those numbers  
16 of individuals who vote straight party voting a great  
17 portion of them are African Americans, that was my  
18 point. But I don't think that there's nothing  
19 instinctive, intuitive that would drive an African  
20 American to vote straight party versus a white person.

21 Q. I think we agree on that, I just wanted to make  
22 sure I understood correctly. Okay, moving on to  
23 paragraph 23, you describe that the elimination of  
24 straight party voting, particularly in a presidential  
25 election year, will create very serious problems. What

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1 problems are you describing there, and be as specific as  
2 possible?

3 A. I think that, as stated before, many folk when  
4 they go to the polls on election day, particularly for  
5 presidential elections, they haven't been since the last  
6 presidential election. For instance, gubernatorial  
7 elections typically represent about anywhere from 38 to  
8 42 percent of the voting population, whereas municipal  
9 elections represent maybe 20 to 25 percent of the voting  
10 population who go out and actually engage in the  
11 process.

12 And I believe that of that number you have  
13 about nine to ten percent of those folk who vote in  
14 presidential elections who don't vote in either mayoral  
15 or gubernatorial elections. So that population in and  
16 of itself speaks to the fact that they don't engage in  
17 local politics or state politics and as such there is a  
18 propensity for those folk to probably be unaware of any  
19 type of changes that will impact them on election day.

20 Not even -- not just those folk but most  
21 folk who go to the polls and vote, they expect things to  
22 be the way they typically are. So when they receive  
23 that ballot without the straight party vote I'm just  
24 concerned that many of those folk will make assumptions.  
25 They may not even ask questions in terms of casting

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1 their ballots.

2 For instance, a wayward voter may have the  
3 mindset that if they just vote exclusively for the  
4 president of the United States that that may very well  
5 be their straight party vote. Many voters will come to  
6 the precinct on election day looking for the straight  
7 party ballot cast -- well, the straight party vote, and  
8 as a result of it get frustrated in terms of that  
9 particular process or that particular change and may not  
10 vote their ballot in an adequate fashion.

11 Something else that may occur is that, you  
12 know, our poll workers may deal with the brunt of that  
13 frustration, which will make their day a lot more taxing  
14 in terms of the processing of voters. I think that the  
15 educational process in terms of billboards and  
16 newsletters, television and radio certainly has this  
17 ability to fill the gap in terms of those individuals  
18 who engage in those forms of media.

19 However, I just believe that, particularly  
20 for the City of Detroit, you have a great portion of  
21 individuals who engage in the voting process for  
22 presidential elections who just know that election day  
23 is coming and that a particular individual is on the  
24 ballot or individuals are on the ballot that they'd like  
25 to engage and they will not be aware on election day

1 when they go and vote. And as a result I think that the  
2 administrative process will have -- will be impacted as  
3 a result of that, negatively impacted.

4 Q. Okay. So voter confusion, questions at the  
5 polling place will have an effect?

6 A. Yes.

7 Q. Any other problems you can think of?

8 A. Yes. I think that it will definitely create  
9 longer lines on election day.

10 Q. Okay.

11 A. Yes.

12 Q. In fact, you write in paragraph 23 of your  
13 declaration that the sig- -- that it will significantly  
14 increase lines in the polling places; is that correct?

15 A. Yes.

16 Q. In fact, what you're saying is an increase in the  
17 amount of time it takes to mark the ballot will  
18 significantly increase lines in the polling places.  
19 What is that statement based upon?

20 A. It's just based upon the fact that if I  
21 have -- if there are 60 positions on the ballot and 30  
22 of those positions are represented in the partisan  
23 section of the ballot and one of my options is to vote  
24 straight party, then that's going to cut my time in half  
25 obviously, if I vote straight party in terms of casting

1 my ballot, I mean that's logic.

2 However, if I don't have that option, then  
3 if it took me six minutes to vote a ballot with straight  
4 party voting then it's definitely going to increase the  
5 time it's going to take me to cast that ballot, it may  
6 not be twice as much in terms of time, but it's  
7 definitely going to be a significant increase in terms  
8 of the time to cast my ballot.

9 Q. Okay. Were you basing this on any particular  
10 academic study, model, program?

11 A. Nope, I just based it on logic.

12 Q. You also write in paragraph 23 that longer lines  
13 deter voters; what is that statement based upon?

14 A. Experience.

15 Q. What experience do you have showing that longer  
16 lines deter voters?

17 A. I've seen it on election day. I've been to the  
18 precinct and those voters who -- I've been to various  
19 precincts and I've seen voters who have come to the line  
20 to discover that that is indeed their line that they  
21 have to stand in in order to engage in voting in this  
22 particular election, and I've seen them walk away.

23 Q. Do you know if they later returned?

24 A. No.

25 Q. They did not return or you don't know?

1 A. I don't know if they later returned.

2 Q. And, again, so that is based upon your  
3 observations, not some study, not an academic approach  
4 or anything?

5 A. That's correct.

6 Q. Did longer lines deter people from voting in  
7 2016?

8 A. I believe so. I don't have any factual  
9 information or data to say that, but I believe so.

10 Q. Were there long lines in the City of Detroit in  
11 the November 2016 election?

12 A. Yes.

13 Q. Was turnout down in the November 2016 election?

14 A. Yes.

15 Q. In what number?

16 A. By two percent.

17 Q. From the 2014 or 2012 election?

18 A. From the 2012 presidential election.

19 Q. What about the 2014 election?

20 A. I'm sure it was higher.

21 Q. That turnout was higher?

22 A. 2016 was higher than 2014, I just don't know the  
23 number.

24 Q. And what about the 2010 election?

25 A. I'm sure that 2016 was higher than 2010.

1 Q. And, of course, 2012, that was when President  
2 Obama was elected, right?

3 A. Yes.

4 Q. Would you be prepared or willing to stipulate  
5 that President Obama was a more popular figure than  
6 either of the candidates on the election in 2016?

7 A. I would say he was, yeah.

8 Q. So to some extent the candidates themselves have  
9 an effect on turnout?

10 A. Absolutely.

11 Q. Do you happen to know what the actual turnout  
12 percentage was in the November 2016 election for the  
13 City of Detroit?

14 A. 48, a little -- close to 49 percent.

15 Q. And do you yet have the numbers on the total  
16 votes versus absentee votes in the November 2016  
17 election?

18 A. Yes, we have that.

19 Q. Handy?

20 A. Handy.

21 Q. Do you have that figure handy somewhere?

22 A. Yeah, it's downstairs.

23 Q. Okay. Before we end -- before the deposition is  
24 over if we could just get that in the record and that  
25 would save us an interrogatory and document requests

<p style="text-align: right;">Page 130</p> <p>1 later on.</p> <p>2 MS. GUREWITZ: You can get it from the</p> <p>3 Secretary of State's website.</p> <p>4 MR. GRILL: The absentee ballots too?</p> <p>5 MS. GUREWITZ: Yes.</p> <p>6 MR. GRILL: All right. One way or the</p> <p>7 other --</p> <p>8 MS. GUREWITZ: Can we go off the record?</p> <p>9 MR. GRILL: Sure.</p> <p>10 (Discussion off the record.)</p> <p>11 BY MR. GRILL:</p> <p>12 Q. Was the actual turnout number of voters in</p> <p>13 November 2016 above or below your expectation?</p> <p>14 A. It met my expectation.</p> <p>15 Q. It met your expectation?</p> <p>16 A. Uh-huh.</p> <p>17 Q. In paragraph 24 you write that, straight party</p> <p>18 voting option significantly reduces the amount of time</p> <p>19 that a voter takes to mark his or her ballot. How much</p> <p>20 time does it reduce it by?</p> <p>21 A. Oh, probably about maybe three minutes.</p> <p>22 Q. How long does it take to mechanically fill out</p> <p>23 one oval on a ballot?</p> <p>24 A. My Cousin Vinnie, how long does it take to cook a</p> <p>25 grit.</p>	<p style="text-align: right;">Page 132</p> <p>1 back up check-in station or can you continue to check in</p> <p>2 people while they were waiting for a booth?</p> <p>3 A. Oh, yeah, we can continue to check-in people, we</p> <p>4 don't wait, uh-huh.</p> <p>5 Q. In paragraphs 26 and 27, I'll take these two</p> <p>6 together, you describe that -- okay, in paragraphs 26</p> <p>7 and 27 you describe some of the problems that long lines</p> <p>8 can engender.</p> <p>9 A. Uh-huh.</p> <p>10 Q. What are you and the city clerk doing about long</p> <p>11 lines in the City of Detroit?</p> <p>12 A. Well, I think one of the efforts that we</p> <p>13 attempted to execute was using two electronic poll books</p> <p>14 for the presidential election.</p> <p>15 In addition to that one of the other</p> <p>16 alternatives that we used was on the front end in terms</p> <p>17 of satellite absentee voting. What we did was we used</p> <p>18 the Department of Elections as well as the city clerk's</p> <p>19 office and several other satellites throughout the City</p> <p>20 of Detroit to drive those voters who qualified to vote</p> <p>21 by absentee ballot at those satellites. I believe it</p> <p>22 was 2,000 and -- at the 2012 election we had probably</p> <p>23 over 80,000 people who requested absentee ballots,</p> <p>24 whether it's through the mail or through satellite.</p> <p>25 So we were hoping that voters who voted by</p>
<p style="text-align: right;">Page 131</p> <p>1 MR. KORDENBROCK: It's similar.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 BY MR. GRILL:</p> <p>4 Q. How much are lines increased by someone taking</p> <p>5 three more minutes to vote?</p> <p>6 A. Just one person?</p> <p>7 Q. Yeah. So one person in line takes three more</p> <p>8 minutes to fill out a ballot, how long does that</p> <p>9 increase the line?</p> <p>10 A. About three minutes.</p> <p>11 Q. What is the effect of a person taking one extra</p> <p>12 minute to vote on the lines?</p> <p>13 A. One minute.</p> <p>14 Q. 30 seconds?</p> <p>15 A. 30 seconds.</p> <p>16 Q. In paragraph 25 you write that, if a person is</p> <p>17 waiting at the booth or if a person is waiting for a</p> <p>18 booth to be available a line will also form at the</p> <p>19 check-in station.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that necessarily the case or are there things</p> <p>22 you can do to mitigate that?</p> <p>23 A. In terms of waiting on a booth?</p> <p>24 Q. Well, I mean if there's no booths they are going</p> <p>25 to wait for a booth, but do they necessarily have to</p>	<p style="text-align: right;">Page 133</p> <p>1 absentee ballot in 2012 would take the opportunity to</p> <p>2 vote in those particular satellites and hoping that some</p> <p>3 of the other Detroiters would follow that trend as well,</p> <p>4 particularly those individuals who were 60 years of age</p> <p>5 or older. So we increased our satellites from 2012 from</p> <p>6 two to four with the hopes that folk would engage in</p> <p>7 that particular process.</p> <p>8 Q. Were those satellite offices successful in</p> <p>9 helping to mitigate some of the effects of long lines?</p> <p>10 A. No, it was not.</p> <p>11 Q. Not at all?</p> <p>12 A. Huh-uh, no.</p> <p>13 Q. And you earlier spoke about the two poll book</p> <p>14 solution.</p> <p>15 A. Yes.</p> <p>16 Q. And that you did not have success with that?</p> <p>17 A. There was some success in some areas, but overall</p> <p>18 it didn't work out very well.</p> <p>19 Q. Are you going to be using the two poll book</p> <p>20 option again in the next general election?</p> <p>21 A. I can't say that we will at this particular time.</p> <p>22 Q. Is it dead forever or just dead for a little</p> <p>23 while until you can come back around to it?</p> <p>24 A. Probably need to go back to the drawing board to</p> <p>25 see how to strategize that to make sure that it's more</p>

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1 A. Nationwide, correct.  
 2 Q. So the 11.6 minute time for white voters would be  
 3 at a different polling location --  
 4 A. Correct.  
 5 Q. -- than the ones for the Hispanic voters or  
 6 African American voters?  
 7 A. Yeah, I think it was disbursed all over the  
 8 United States.  
 9 Q. In paragraph 30 you discuss that the 2010 census  
 10 data reported that Detroit's population went 91 percent  
 11 minority and 82.3 percent African American, correct?  
 12 A. Yes.  
 13 Q. And earlier you stated that roughly 75 percent  
 14 used straight party voting?  
 15 A. Yes, in 2012 I believe it was.  
 16 Q. 2000- -- like 75.3 percent and 75.5 percent in  
 17 2014?  
 18 A. Something like that, yes.  
 19 Q. Would it be fair to say then that because 75  
 20 percent is less than 82.3 percent that not all African  
 21 Americans use straight party voting?  
 22 A. Oh, yes.  
 23 Q. And the remaining 18 percent, I guess 17.7  
 24 percent, but we'll call it 82 percent, so the remaining  
 25 18 percent of non-minority voters, do you agree with my

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1 math so far on that, that if you've got 82 percent  
 2 African American that the other 18 percent is not  
 3 African American.  
 4 A. Repeat that.  
 5 Q. Sure. If we're looking at paragraph 30 and  
 6 Detroit's population is 82.3 percent African American.  
 7 A. Uh-huh.  
 8 Q. That the other 18 percent give or take of the  
 9 Detroit population is not African American?  
 10 A. That's correct, yes. Yes, right, I got you.  
 11 MS. GUREWITZ: That's too hard for us, Erik.  
 12 MR. GRILL: We're getting late in the day, I  
 13 know.  
 14 THE WITNESS: Yes.  
 15 BY MR. GRILL:  
 16 Q. And you say here that 91 percent of Detroit's  
 17 population is minority; what is included in that?  
 18 A. Non-white, all non-whites.  
 19 Q. So that would include Asian?  
 20 A. Asian.  
 21 Q. Native American?  
 22 A. Native American.  
 23 Q. Middleeastern descent?  
 24 A. Middleeastern, yes.  
 25 Q. Central Asian, that kind of thing?

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1 A. Yes.  
 2 Q. Basically -- okay. So by mathematics then that  
 3 last nine percent has got to be white, right?  
 4 A. Yes. Yes, that's correct.  
 5 Q. What if all of that nine percent white population  
 6 used straight party voting, all right, then would it not  
 7 be true that 100 percent of white voters in Detroit  
 8 would use straight party voting? Do you follow my --  
 9 A. If all nine percent?  
 10 Q. Right, if the last nine percent, that white  
 11 population in Detroit, if all of that nine percent used  
 12 straight party voting would that be 100 percent of the  
 13 white voting in Detroit using straight party voting?  
 14 A. That is correct, yeah.  
 15 Q. And if we deduct that nine percent out of the 75  
 16 percent using straight party voting, that leaves us with  
 17 about 64 percent?  
 18 A. You have to do a different kind of math in order  
 19 to get that number. You can't just take that nine  
 20 percent out of that population -- that percentage of  
 21 turnout for the --  
 22 Q. We're in kind of a hypothetical here. So if 75  
 23 percent of the population is using straight party vote,  
 24 and if we assume for purposes of argument that nine  
 25 percent, that whole nine percent of the white population

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1 is part of that 75 percent.  
 2 A. Yeah.  
 3 Q. That leaves us about 64 percent left, right?  
 4 A. Okay.  
 5 Q. That would be non-white?  
 6 A. Okay.  
 7 Q. So in this hypothetical structure that I've  
 8 constructed we have 100 percent of the white voters  
 9 using straight party voting and about 64 percent of the  
 10 non-white voters using straight party voting, correct?  
 11 A. Okay.  
 12 Q. In that circumstance the elimination of straight  
 13 party voting would affect whites more than non-whites,  
 14 fair to say?  
 15 A. In that circumstance, yes.  
 16 Q. Can you say with absolute certainty that that  
 17 isn't the case?  
 18 A. I cannot.  
 19 Q. Do you happen to know whether or not all of the  
 20 82.3 percent of the African American population in the  
 21 City of Detroit is registered to vote?  
 22 A. No.  
 23 Q. In paragraph 32 you talk about voters being  
 24 confused and angry by the absence of straight party  
 25 voting.



election with three candidates on the ballot versus a gubernatorial election with three offices on the ballot versus a general election ballot with 20 offices on the ballot, the increase in overvote -- the overvote increases where the offices -- where you have more offices.

Q. Was that study something you relied upon in drafting this affidavit or this declaration?

A. Kind of sort of.

Q. With that in mind, I think that document would be responsive to --

A. Well, it's not a document -- well, okay, go ahead, finish your statement.

Q. I was just going to say I think that that would be the type of document that would be responsive to at least some of the document requests we sent with the notice duces tecum.

A. Okay.

Q. So I would like to have that information provided to us.

A. Okay.

Q. In paragraph 34 you talk about the disabled have more dif- -- would have more difficulty without straight party voting, particularly those who use the AutoMARK voting machine. Does the City of Detroit still use

AutoMARK or has that been replaced?

A. No, we have the ICX, ADA tabulator.

Q. I think you mentioned that earlier. How many voters in the City of Detroit use the AutoMARK system or the ICBX (sic) system?

A. Less than one percent.

Q. And in the November 2016 election was the AutoMARK still being used or was it already the new ICBX system?

A. The AutoMARK.

Q. How did the AutoMARK system work once it's processed?

A. The voter would insert the physical ballot into the tabulator, and upon them inserting the physical ballot into the tabulator then the screen would pop up with the various offices, beginning with the straight party ballot, and then they would make their choice. If they didn't choose it then it would go to the next office. If they chose straight party voting then it would go to the non-partisan section of the ballot. And in each instance it would, after they finished that section, then it would go to the next office until completion. Upon completion then it would provide the voter an opportunity to review their ballot and the votes that they cast.

And upon the review and acceptance then they will accept that or reject it, but upon acceptance then the AutoMARK would physically cast the votes based upon the voter's selections. And then after that it would give the vote -- retrieve the ballot back to the voter and then the voter would insert the ballot into the tabulator.

Q. And how does the ICBX system differ?

A. It differs in the sense that there's no physical ballot to give to the voter. It is a blank sheet of paper that is in a printer. The screen comes up once the voter has entered all of their proper information and the card which is given to them at the precinct table is inserted into the ICX, it will pull up the ballot and the same process -- the process is the exact same as the AutoMARK in terms of them reviewing the ballot and casting their vote. And then upon completion of the ballot cast then the ICX prints out the entire ballot on the blank sheet of paper. Then they remove that document and insert it into the ICP tabulator.

Q. And in terms of there being the audio option, if a person with difficulty --

A. Yes, all of that, audio, sip and puff, et cetera.

Q. Got you. Is there any type of certification that a person needs to present in order to be able to use the

disability voting machines that are --

A. Is there certification required by the voter?

Q. Yeah.

A. No.

Q. So if I just came in and said I want to use the AutoMARK I could get the AutoMARK?

A. Correct.

Q. Or the ICX?

A. Yes.

Q. What factors influence how long using the AutoMARK or ICX system takes?

A. Pardon me?

Q. Sure. What are the factors that come into play to determine how long it takes to use either the AutoMARK or ICX system? Does it take the same for everybody or --

A. No, it varies. It depends on the individual.

Q. Just how long they decide to think about a particular office, that kind of thing?

A. How long it takes them to decide to think about a particular office, how they engage, the paper ballot versus the touch screen, those are the variables that come into play.

Q. How long do voters currently wait to use the AutoMARK or ICX system?



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1 A. It's usually available.  
 2 Q. In paragraph 35 you write that you anticipate  
 3 that more voters will ask for assistance. Why would  
 4 more voters need to ask for assistance in the absence of  
 5 a straight party voting option?  
 6 A. Simply because they don't understand it. The  
 7 question -- the first question that will come will be  
 8 asked by the voter is, well, where is the straight party  
 9 voting.  
 10 Q. And you have to explain to them it's not there?  
 11 A. Yeah, you have to explain to them.  
 12 Q. How long will it take to explain to somebody that  
 13 there is not a straight party voting option?  
 14 A. It depends on the person. I've been on the phone  
 15 with a voter about a change for two minutes, I've been  
 16 on the phone with a voter about a change for 15 minutes.  
 17 It depends on that person.  
 18 Q. Speaking with -- that example you gave speaking  
 19 with the person for 15 minutes, was that in relation to  
 20 straight party voting specifically?  
 21 A. No, no, it could have been for photo  
 22 identification. I've talked to a voter on the phone  
 23 about absentee ballots and why they didn't get their  
 24 ballot and explained to them, well, you have to apply.  
 25 Well, I didn't apply -- I didn't apply at the last

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1 election, I just got my ballot. So, you know, it  
 2 depends on the individual and what their issue of  
 3 concern is.  
 4 Q. All right. Allowing for individual variations  
 5 and exceptions to any rule, how long would you expect  
 6 generally for it to take to explain that there is no  
 7 longer an absentee ballot -- I'm sorry, a straight party  
 8 voting option on the ballot?  
 9 A. A minute or two.  
 10 Q. In paragraph 37 you discuss that you've  
 11 identified steps you can take to address the problems  
 12 created by PA 268, which was the bill that eliminated  
 13 straight party voting.  
 14 A. Uh-huh.  
 15 Q. What do you mean by broad educational program?  
 16 A. So a broad voter education program would include  
 17 television, radio, social media, billboards, and every  
 18 form of media that's available, in addition to the use  
 19 of the ecumenical community and going into those  
 20 particular churches and community organizations and  
 21 using them or using their forms as a medium to  
 22 communicate any changes as well as our election  
 23 connection newsletter that we mail out to every voter.  
 24 Q. Anything else?  
 25 A. No.

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1 Q. In paragraph 37 you talk about as one of the  
 2 steps to address the problems caused by 268, by PA 268,  
 3 encouraging absentee voting. I think as we discussed  
 4 earlier that's something that you and your office is  
 5 already involved in, correct?  
 6 A. Uh-huh, yes.  
 7 Q. In paragraph 37 you also talk about the use of  
 8 two e-poll books?  
 9 A. Uh-huh.  
 10 Q. Yes?  
 11 A. Yes.  
 12 Q. So now this was -- this affidavit -- this  
 13 declaration was written before the November 2016  
 14 election?  
 15 A. That is correct.  
 16 Q. So subsequently your experience in the November  
 17 2016 election is that the two poll book solution is not  
 18 a good solution for you right now?  
 19 A. For now, correct.  
 20 Q. In paragraph 37 you also talk about a step you  
 21 could take to address the problems as the hiring of  
 22 additional election inspectors?  
 23 A. Correct.  
 24 Q. How many inspectors did you actually have per  
 25 precinct in 2016?

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1 A. It was probably -- on an average probably about  
 2 nine, uh-huh.  
 3 Q. And what is the normal number of election  
 4 inspectors you have per precinct?  
 5 A. Five.  
 6 Q. So it's already part of your process in a  
 7 presidential election you're going to hire additional  
 8 election inspectors?  
 9 A. Right.  
 10 Q. Are additional election inspec- -- are the  
 11 inspectors trained individually or as a collective  
 12 group?  
 13 A. In groups of about anywhere from 20 to 30.  
 14 Q. So if they are trained as a group why would the  
 15 hiring of additional inspectors increase training costs?  
 16 A. Oh, because they are in groups of 20 or 30 so you  
 17 would have to definitely add additional classes to  
 18 accommodate for additional poll workers.  
 19 Q. How many additional classes would you have needed  
 20 to train the sufficient number of inspectors for the  
 21 absence of straight party voting?  
 22 A. I'm not sure.  
 23 Q. And what cost are you estimating per additional  
 24 inspector?  
 25 A. Probably about \$150.

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1 A. No.

2 MR. GRILL: That is it. No further  
3 questions.

4 MS. GUREWITZ: I have a couple of questions.

5 EXAMINATION

6 BY MS. GUREWITZ:

7 Q. During the 2016 election did you get calls from  
8 people working in the field saying that they needed more  
9 polling booths to be delivered?

10 A. Yes.

11 Q. Do you know how many precincts needed more  
12 polling booths?

13 A. I can't tell you off the top of my head.

14 Q. Mr. Grill asked you about voters voting for the  
15 wrong party, are you aware of that ever happening?

16 A. No.

17 MS. GUREWITZ: I have nothing further.

18 THE WITNESS: Okay.

19 MR. GRILL: Honestly I can't think of  
20 anything to add right now.

21 (Whereupon Deposition concluded at 3:45 p.m.)

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1 STATE OF MICHIGAN )  
2 ) SS

3 COUNTY OF INGHAM )

4 I, Melinda Nardone, Certified Shorthand  
5 Reporter and Notary Public in and for the County of  
6 Ingham, State of Michigan, do hereby certify that the  
7 foregoing Deposition was taken before me at the time and  
8 place hereinbefore set forth.

9 I further certify that said witness was  
10 by me duly sworn in said cause; that the testimony then  
11 given was reported by me stenographically; subsequently  
12 with computer-aided transcription, produced under my  
13 direction and supervision; and that the foregoing is a  
14 full, true, and correct transcript of my original  
15 shorthand notes.

16 IN WITNESS WHEREOF, I have hereunto set  
17 my hand and seal this 6th day of September, 2017.

18  
19 Melinda Sue Nardone, CSR-1311,  
20 Certified Shorthand Reporter,  
21 and Notary Public, County  
22 of Ingham, State of Michigan.  
23 My Commission Expires: 10-24-18  
24  
25